

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WARREN ANDERSON,	:	No. 3:17cv356
Petitioner	:	
	:	(Judge Munley)
v.	:	
	:	(Chief Magistrate Judge Schwab)
SUPERINTENDENT BRITTAIN,	:	
Respondent	:	

.....

ORDER

AND NOW, to wit, this 17th day of October 2017, we have before us for disposition Chief Magistrate Judge Susan E. Schwab's report and recommendation, which proposes that Warren Anderson's petition for a writ of habeas corpus be denied. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(B) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

1) The chief magistrate judge's report and recommendation (Doc. 11) is **ADOPTED**;

2) The petitioner's request for a writ of habeas corpus (Doc. 1) is **DENIED**;

3) Based upon the reasoning in the report and recommendation, we decline to issue a certificate of appealability. See 28 U.S.C. § 2253(c) and 3d Cir. LAR. 22; and

4) The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT



JUDGE JAMES M. MUNLEY
United States District Court